

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
June 21, 2011

In the Matter of WILLIAMS/HARBIN, Minors.

No. 300699
Wayne Circuit Court
Family Division
LC No. 10-492979

Before: BORRELLO, P.J., and JANSEN and SAAD, JJ.

MEMORANDUM.

Respondent appeals by right the trial court's order terminating her parental rights to her four minor children under MCL 712A.19b(3)(b)(ii), (b)(iii), and (j). We affirm.

Before terminating a respondent's parental rights, the trial court must find that the petitioner has established at least one statutory ground for termination by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). The trial court's decision is reviewed for clear error. MCR 3.977(K).

In the present case, the court did not clearly err when it found clear and convincing evidence that respondent had the opportunity to prevent the infant sibling's death and that the children were reasonably likely to be injured if returned to respondent's care. MCL 712A.19b(3)(b)(ii) and (j). The infant died because respondent left her in the care of a man with whom she had been warned not to leave her children. Respondent did not return home that night because she was incarcerated for driving under the influence of alcohol. Respondent had reason to know that this man was an inappropriate caregiver capable of abusing an infant. Respondent had previously sought emergency medical services for another infant injured in the same man's care when he reportedly "whipped" the child. Respondent was told she would be held accountable if her children were abused in the man's care in the future. Nevertheless, she left her child with the man and was dishonest with service providers regarding her continued contact with the man, all of which made it difficult to provide services and to adequately protect the children. Further, respondent had a history of abandoning her children with caregivers and giving her children to their fathers to raise.

Given that the man was charged with murder and therefore stood a chance of being incarcerated, we concede that there may not have been sufficient evidence to prove that the children were likely to be harmed by the same nonparent adult in the future. See MCL 712A.19b(3)(b)(iii). However, as explained previously, the trial court properly found that respondent had the opportunity to prevent the infant sibling's death and that the children were

reasonably likely to be injured if returned to her custody. MCL 712A.19b(3)(b)(ii) and (j). Only one statutory ground need be proven in order to terminate a respondent's parental rights. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Respondent also argues that the trial court erred by finding that termination was in the children's best interests. MCL 712A.19b(5). We review the trial court's best-interests determination for clear error. MCR 3.977(K). Respondent argues that it was unfair for the court to consider her history dating back to 2004. However, her pattern of abandoning her children to caregivers was relevant in analyzing the risk of future harm and the children's best interests. Respondent reportedly abandoned one of her children in 2007, and failed to appear for a 2009 custody hearing. Moreover, two of the children at issue in the present case had lived with their father for at least five years, and respondent had left another child with her father in Illinois when these proceedings began. On the facts of this case, we cannot conclude that the trial court clearly erred by finding that termination of respondent's parental rights was in the children's best interests.

Affirmed.

/s/ Stephen L. Borrello
/s/ Kathleen Jansen
/s/ Henry William Saad